

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICTS.

OAH Case No. 2014030894

ORDER DENYING REQUEST FOR
RECONSIDERATION

On April 16, 2014, the undersigned administrative law judge issued an order denying Parent's motion to move the venue of the May 20, 2014 due process hearing from Twin Rivers Unified School District (Twin Rivers) office to the Office of Administrative Hearings' (OAH) Sacramento office.

On April 23, 2014, Student filed a letter, dated April 22, 2014, which OAH deems a motion for reconsideration of the prior order (Motion). Student again seeks to have the hearing venue moved to OAH. Student alleges that having the hearing at Twin Rivers' office gives Twin Rivers an unfair advantage and that Parent is not comfortable at its office. There is no opposition from Twin Rivers and Parent states that she did not serve Motion on Twin Rivers.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

The motion to change venue was denied on April 16, 2014, because Student failed to make the showing necessary to justify a change in location based upon "reasonable convenience" of Student or his parents.

Here, Parent alleges one new fact in support of Motion. The new fact is that Parent is not comfortable at Twin Rivers' office. However, Parent also states she did not serve Motion on Twin Rivers and there is no indication that Twin Rivers is aware that Motion has been filed. Generally, motions must be served on the opposing party. OAH then permits the opposing party three business days to respond to a motion before a ruling will be made. If Parent is seeking reconsideration of the April 16, 2014 order, Parent must resubmit Motion with supporting facts to demonstrate why OAH is more reasonably convenient to Student and Parent for holding the hearing, along with proof that Motion was sent to all parties in this matter. Based upon the failure to serve Twin Rivers with Motion, Student's request for reconsideration is denied.

IT IS SO ORDERED.

DATE: April 24, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings